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**Connecticut Water Company
Testimony Before the Environment Committee
March 7, 2011**

RE: HB-6505, An Act Concerning Stream Flow Regulations

HB 6505 *An Act Concerning Stream Flow Regulations*, would require that DEP establish flow regulations for groundwater, in addition for all river and stream systems. In Connecticut's highly-glaciated regime, groundwater typically originates as precipitation and flows through the subsurface soil and bedrock in a manner that mimics the surface topography. Groundwater flowing through sand and gravel and bedrock aquifers supplies the state's tens-of thousands of domestic, public water supply, and industrial wells. Requiring DEP to draft regulations for groundwater, while they are engaged in revising regulations relative to surface waters, is not practical at this time and the **Connecticut Water Company joins with the Connecticut Water Works Association (CWWA) in firmly opposing HB 6505.**

Connecticut Water Company operates more than 200 water supply wells, which along with our 18 surface water sources, are relied upon day in and day out to serve our 90,000 customers located in 55 towns throughout the state. We understand that we have a responsibility to operate our sources in an environmentally responsible manner. **However, this stewardship responsibility must at all times be properly balanced with our obligation to our customers, public health, safety, and commercial and economic prosperity.**

For several years now, DEP has been struggling to find the appropriate balance with its proposed streamflow regulations. Their prior inability to do so twice resulted in decisive rejections by the Regulations Review Committee. At this point, stakeholders are involved in facilitated negotiations on regulations that would classify all river and stream segments and establish clear rules for the operation of all impounding dams and reservoirs in the state. **Progress is being made and introducing groundwater to the mix at this juncture would accomplish little except a breakdown in negotiations and a possible need to restart the regulatory process.**

Prior to last December, DEP inappropriately sought to regulate wells under Public Act 05-142. To that end, they drafted two separate regulatory approaches by which they proposed doing so. Both methods were flawed and unworkable – not to mention inconsistent with legislative intent. These earlier attempts at regulation writing would have had unacceptable consequences that could have left some communities with inadequate water to support existing customers, new construction, brownfields remediation and economic development. The proposed regulations also had the potential to significantly and negatively affect farmers and others who rely on groundwater for their livelihood.

Were bill 6505 to give DEP explicit authority to regulate the flow of groundwater, there is little in their prior efforts to suggest the Department could successfully draft a regulation that would meet the broad statutory goals found in CGS Section 26-141b, as authorized under PA 05-142. In fact, given the failure by the DEP to date to develop regulations that adequately address the needs of the various stakeholders, it is clear that any new authority conferred by the legislature would need to be excruciatingly specific with regard to the legislative body's expectations. Such legislation would need to provide the detail necessary to ensure that regulations pertaining to groundwater flow achieved and maintained the balance that was intended by the legislature in the 2005 public act.

At a minimum, legislation would need to put in place those elements now under consideration by the Commerce Committee in RB 1020, *An Act Concerning Water Resources and Economic Development*. These include:

- requiring that any regulation first achieved broad state agency concurrence by the Department of Economic and Community Development, Department of Public Health, Department of Public Utility Control, and Department of Agriculture;
- providing clear protection for public water supply safe yield, available supply and margin of safety;
- directing DEP to screen, in consultation with DPH, rivers and streams and establish priorities for compliance, while assessing the impact on economic development, brownfields remediation, and the adequacy of public water supplies, as well as the impact on water rates and the anticipated environmental benefits;
- requiring the Department of Public Utility Control provide ratemaking mechanisms that provided for timely recovery of the costs associated with streamflow compliance.

Connecticut Water Company has been active in the stakeholder process since 2005, and remains committed to work to see that reasonable, legally defensible regulations are adopted that protect the rivers and streams of the state while providing for other necessary uses of the waters for public health, safety, agriculture and economic development.

We recognize the Environment Committee's interest in raising HB 6505, *An Act Concerning Stream Flow Regulations*, yet believe the bill is premature, overly vague, and potentially disruptive to ongoing efforts to advance regulations consistent with existing legislative intent. We believe the State - and the environment - would be better served if regulations for surface water supplies are first adopted and implemented before attempting to expand the scope of the law to include groundwater supplies. We urge the rejection of HB 6505.

About Connecticut Water Company

Connecticut Water Company is a private water company that serves nearly 90,000 customers or more than 225,000 people in 55 towns in Connecticut. We have 200 employees dedicated to providing our customers and the communities we serve with quality water and service. We are regulated by the Department of Public Health with respect to the purity and adequacy of our supplies, by the Department of Public Utility Control for rates and quality of service, and by the Department of Environmental Protection for environmental issues. We have a long history of regulatory compliance and stand ready to work with stakeholders to ensure the appropriate laws and regulations are in place to provide for public health, safety and service to our customers.

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